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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
|---|-------------|----------------------|--------------------------------|------------------------|
| 10/830,142  | 04/22/2004  | Kavch Towfighi       | DT-6799                        | 7829                   |
| 30377   | 7590        | 07/30/2008           |                                |                        |
| DAVID TOREN, ESQ.<br>ABELMAN FRAYNE & SCHWAB<br>666 THIRD AVENUE<br>NEW YORK, NY 10017-5621 |             |                      | EXAMINER<br>MCDONOUGH, JAMES E |                        |
|   |             |                      | ART UNIT<br>1793               | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>07/30/2008        | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

|                                       |  |
|---------------------------------------|--|
| <b>Application No.</b><br>10/830,142  | <b>Applicant(s)</b><br>TOWFIGHI, KAVEH |
| <b>Examiner</b><br>JAMES E. MCDONOUGH | <b>Art Unit</b><br>1793                |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Jerry A Lorengo/  
Supervisory Patent Examiner, Art Unit 1793

Continuation of 11, does NOT place the application in condition for allowance because: Applicants argue against the 112 rejection of claim 12. These arguments are found persuasive and the 112 rejection will be withdrawn, however all claims still have valid art rejections. Applicants argue against the 102 rejection of the claims. First it is noted that applicants appear to have misinterpreted the 102 rejection as both the 102 and the 103 rejection use the Verret reference as evidence. Applicants argue that the reference does not teach the lack of formation of solid encrustations. This is not persuasive and applicant's attention is directed towards second paragraph, page 2, lines 8-13 of Verret, where it is taught that "the residue resulting from the combustion process must be swept away after each firing, this teaches the prevention of solid buildup contrary to applicants argument. Applicants argue that Rosenbaum fails to teach a mixture of not more than 50 % branched C9-C12 alkanes and not less than 50 % branched C10-C14 alkanes with a boiling point of 120 C to 250 C. This is not persuasive because Rosenbaum reads on branched alkane lubricants having boiling points reading on this range and it is well known that the carbon number controls the boiling point and applicants have not shown that the oils will not meet this carbon number per weight % limitations. Applicants argue against the 103 rejections. Applicants argue that two-stroke oil produces solid residues upon burning. This is not persuasive and applicants are reminded that the limitation is that the combustion will not leave solid products, not that solid products are not formed. Applicants argue that the references need to have lubricants to prevent formation of solids. This is not persuasive and applicants are reminded that the claims use comprising language. It is again noted that applicants were originally claiming a range of lubricants that would meet this limitation, but are now arguing that only certain lubricants will have this property will out offering any evidence or reasoning why this is the case. Applicants argue that a two-stroke will not build up solids like the instant invention because of its high rpm rate. This is not persuasive because applicants have not provided any evidence or persuasive arguments that this would be the case. It is noted that the arguments made by examiner in the office action dated 4/30/2008 still stand.